

Message Text

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C O N F I D E N T I A L SEOUL 0059

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EA ONLY
HONG KONG - EYES ONLY FOR AMBASSADOR SNEIDER

E.O. 11652: GDS
TAGS: SHUM KS US
SUBJ: HUMAN RIGHTS COUNTRY EVALUATION PLAN

REF: STATE 001725

SUMMARY: FINAL VERSION OF PART A PROVIDED REFTEL IS LESS BALANCED THAN EARLIER VERSION. ONE FACTUAL ERROR REQUIRES CORRECTION AND OTHER PORTIONS NEED MODIFICATION TO PROVIDE TRUE PICTURE OF SITUATION HERE. BELIEVE PUBLIC RELEASE OF REPORT AS NOW DRAFTED COULD RETARD OUR EFFORTS HERE WHICH HAVE PRODUCED IMPROVEMENTS OVER PAST YEAR. END SUMMARY.

1. THE EMBASSY FOUND THE VERSION OF PART A RECEIVED BY POUCH (MISCH/WILLNER LETTER) A MUCH MORE BALANCED VIEW OF KOREAN HUMAN RIGHTS SITUATION THAN VERSION TRANSMITTED IN REFTEL. POINTS WHICH GAVE PERSPECTIVE FORMER DRAFT WERE EDITED OUT IN LATTER.

2. HUMAN RIGHTS SITUATION IN KOREA ENDED ON UPBEAT NOTE IN 1977 WITH DECEMBER 31 RELEASE OF ALL BUT ONE MYONGDONG PRISONER. HUMAN RIGHTS ACTIVISTS NOW LOOKING TO FUTURE OPTIMISTICALLY;
CONFIDENTIAL

CONFIDENTIAL

PAGE 02 SEOUL 00059 051141Z

ROKG CERTAINLY NOT LOOKING FOR NEGATIVE FEEDBACK FROM THEIR PRESENT RELAXATION OF PRESSURE ON DISSIDENTS. WE ARE INTERESTED IN ACHIEVING PROGRESS ON HUMAN RIGHTS FRONT AND BELIEVE OUR COURSE OF ACTION OVER THE PAST MONTHS (I.E. NO PUBLIC BERATING OF THE ROKG BUT CONSTANT AND STRONG PRIVATE PRESSURE FOR IMPROVEMENT) HAS BEEN SUCCESSFUL. WITH THE MYONGDONG DEFENDANTS OUT OF PRISON, SAVE ONLY KIM TAE JUNG, WE ARE HOPEFUL

THAT THE OTHER POLITICAL PRISONERS WILL BE GRADUALLY RELEASED OVER THE COMING MONTHS. IN THIS CONTEGT, RELEASE OF THE REPORT AS NOW DRAFTED WITH ITS NEGATIVE TONE, IS LIKELY TO SLOW DOWN THIS PROCESS AND WORK AGAINST OUR AVOWED GOALS.

3. THERE IS ONE FACTUAL CHANGE DEPARTMENT SHOULD MAKE IN FINAL TEXT. "WITH A PARDON" SHOULD BE DROPPED FROM PARA 2 A SENTENCE READING "ON DECEMBER 31, THE ROKG RELEASED WITH A PARDON THE FIVE MYONGDONG DEFENDANTS WHO WERE STILL IN PRISON." THESE PRISONERS WERE RELEASED BY MINISTRY OF JUSTICE DECISION TO SUSPEND EXECUTION OF SENTENCE.

4. WHILE THE WHOLE TONE OF THE LAST VERSION IS OVERLY HARSH, WE WISH TO MAKE THE FOLLOWING SPECIFIC POINTS: (A) AMNESTY INTERNATIONAL MAY CITE CASES OF INDIVIDUALS HELD IN SOLINARY CONFINEMENT WHO WERE DENIED MEDICAL ATTENTION. AS THE DEPARTMENT IS AWARE, THE EMBASSY CHECKED MANY OF THESE ALLEGATIONS OUT. IN NO (RPT NO) CASE COULD WE SUBSTANTIATE DENIAL OF MEDICAL ATTENTION TO PRISONERS MENTIONED. WE MIGHT NOTE TOO THAT ROKG HAS PLACED A NUMBER OF POLITICAL PRISONERS IN "SOLITARY CONFINEMENT" SO THAT THEY WOULD NOT HAVE TO SHARE QUARTERS WITH COMMON CRIMINALS AND THAT THEY MIGHT BE SPARED THE FULL RIGORS OF JAIL LIFE. SOME POLITICAL PRISONERS, MOST LIKELY ONE SUCH AS KIM CHI-HA, MAY BE IN SOLITARY AS A PUNISHMENT, BUT CRITICIZING THE ROKG FOR KEEPING POLITICAL PRISONERS APART COULD HAVE THE UNWANTED EFFECT OF MAKING LIFE IN PRISON MORE DIFFICULT FOR MANY POLITICAL

CONFIDENTIAL

PAGE 03 SEOUL 00059 051141Z

PRISONERS BY HAVING THEM RETURNED TO NORMAL PRISON DISCIPLINE. (B) MYONGDONG DEFENSE LAWYERS HAD ACCESS TO THEIR CLIENTS. IF THERE WERE OCCASIONS WHEN THEIR ACCESS WAS LIMITED DURING THE TRIALS, THEY WERE BRIEF INTERRUPTIONS. THE DEFENSE PRESENTED THE COURT WITH A LONG LIST OF WITNESSES TO BE CALLED, INCLUDING PRESIDENT PARK, PAST DIRECTORS OF THE KCIA AND OTHERS. ONLY SOME OF THE WITNESSES FROM THE DEFENSE LIST WERE CALLED, PERHAPS FEWER THAN AN IMPARTIAL OBSERVER WOULD HAVE JUDGED SATISFACTORY. HOWEVER, IT IS CERTAINLY UNTRUE THAT THE DEFENSE WAS UNABLE TO PRESENT WITNESSES. (C) THE EMBASSY BELIEVES IT WOULD BE BETTER TO INCLUDE EMERGENCY MEASURE INFORMATION UNDER RESTRICTIONS OF CIVIL AND POLITICAL LIBERTIES RATHER THAN UNDER ARBITRARY ARREST AND IMPRISONMENT. THE EMERGENCY MEASURES CERTAINLY DO "CONFLICT WITH INTERNATIONAL STANDARDS WITH RESPECT TO CIVIL AND POLITICAL LIBERTIES", BUT THEY ARE FORMAL REGULATION AND OFFENSES AGAINST THEM ARE TRIED IN FORMAL, OPEN TRIAL. THE ONLY ARBITRARY THING ABOUT THEM IS THAT THEY ARE NOT ALWAYS ENFORCED. (D) UNDER SECTION 1 B, CRUEL, INHUMAN OR DEGRADING PUNISHMENT - THE TEXT SAYS "PERSONS SUSPECTED OF DISTRIBUTING ANTI-GOVERNMENT CHARTERS OR ORGANIZING STUDENT DEMONSTRATIONS REPORTEDLY HAVE BEEN BEATEN OR THREATENED WITH PHYSICAL ABUSE." THESE REPORTS

CONCERNED A HANDFUL OF THOSE PICKED UP IN THE SPRING OF 1977
AND NONE OF THOSE PICKED UP AND RELEASED IN NOVEMBER AND
DECEMBER OF 1977. THE TEXT MAKES IT SOUND LIKE STANDARD
KOREAN POLICY, BUT ROUGHING UP STUDENTS AND PROTESTERS WHEN IN
CUSTODY IS GETTING RARE. THAT KIND OF TREND SHOULD BE ENCOUR-
AGED AND OVERSTATEMENT IS NOT LIKELY TO CONTRIBUTE TO THAT
TREND.

5. FINALLY, AMNESTY INTERNATIONAL IS NOT AN OBJECTIVE OBSERVER
OF KOREA. WHEN IT ERRS, IT MUST ERR ON THE SIDE OF THE DISSIDENTS.
FURTHERMORE, ITS KOREA REPORTS AS QUOTED BY DEPARTMENT'S
TEXT FAIL TO CATCH IMPROVEMENTS IN SITUATION IN 1977. WE MUST
GIVE CREDIT IF WE WANT TO SEE FURTHER PROGRESS. LISTING OF PAST
OUTRAGES AND IGNORING PRESENT EFFORTS WILL NOT ENCOURAGE
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PAGE 04 SEOUL 00059 051141Z

FORWARD MOVEMENT.

6. STRONGLY URGE EVERY EFFORT BE MADE AT MINIMUM TO RETURN
TO EARLIER DRAFT, WHERE CRITICISM OF ROKG WAS MORE BALANCED.
BEYOND THAT, IT WOULD BE HIGHLY USEFUL TO PROMOTION OF HUMAN
RIGHTS HERE, IF RECOGNITION OF PROGRESS MADE IN 1977 COULD
BE ADDED TO THAT VERSION.
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